



*Protocol for Inspection:
Manufactured Commodities Containing Seed Embedded/Obscured
Within a Structure that Limits Visibility*

Introduction

This protocol is intended to address the importation of commercial shipments of manufactured articles which contain seed commodities intended to propagate as part of the finished product. The manufactured article, due to construction does not allow for adequate visual inspection of the seed at the port of entry. Only those manufactured articles whose constituent parts would be “enterable” and any components that individually would not be regarded as: “prohibited”, are addressed in this protocol. SPECIFICALLY this Inspection Protocol addresses: manufactured articles in which the propagative commodity is not enterable into the USA, due ONLY to the inability of the Port of Entry Inspector to properly inspect the seed without altering or damaging the constructed manufactured product. All individual components, if inspected separately would be viewed as enterable if in accordance with 7 CFR 319.37.

Eligibility for this Protocol

US Importers who possess a valid USDA-APHIS Plant Product Import Permit {1} prior to importation of the commodity into the USA may utilize this protocol. This protocol requires a National Plant Protection Organization (NPPO) {2} representative of the exporting country to provide an official representative seed sample; of the kind which is utilized in the manufactured article, before the processing of the propagative commodity in the country of origin. The unincorporated seed sample should accompany the shipment of the exported manufactured article (properly identified as such) at the time of the product’s inspection.

US Department of Homeland Security - Customs and Border Protection (DHS-CBP) {3} CBP Inspector at the US Port of Entry shall authorize the release the shipment pending the inspection results of the manufactured product and the seed samples. The inspected seed commodity shall be free from: quarantine significant plant species, plant pests, soil and Federal noxious weeds. Should DHS-CBP inspector determine the presence of any quarantine significant plant species, plant pests, soil, or Federal noxious weeds in the sample, CBP shall refuse the manufactured product entry into the USA.

Import Procedure

US Importers seeking to participate in this protocol must comply with the following conditions prior to presenting the manufactured product for inspection into the USA:

1. Only seed which is classified as enterable into the United States without treatment or other restrictions {4} may be considered under this protocol.
2. Each shipment must be accompanied by a Phytosanitary certificate {5} issued by an authorized NPPO official.
3. An authorized NPPO official must sample the seed before it is incorporated into the manufactured commodity. Sampling methods must comply with the International Seed Testing Association

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Animal and Plant Health Inspection Service
Plant Protection and Quarantine
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(ISTA) and requirements, which satisfy Federal Seed Act (FSA){6} procedures. The sample must be sealed or verified as sealed by the sampler and identified with the marks of the lot(s) sampled.

“Sealed” is defined as: the container in which the seed is held is closed in such a way that it cannot be opened to gain access to the seed and closed again without either destroying the seal or leaving evidence of tampering.

4. The sealed sample(s) must accompany the manufactured commodity shipment in a package clearly identified as THE OFFICIAL SEED SAMPLE to allow DHS-CBP inspection.

5. The shipment must be accompanied by an export document (Official Origin Certificate, Phytosanitary Certificate {4} or ISTA certificate) declaring the sample was taken by an authorized NPPO representative and that the method of sampling complies with ISTA requirements. The seal number or other distinguishing marks of the sample must be identified on the documentation.

Port of Entry Inspection

1. DHS-CBP may inspect the shipment at the port of entry (without the necessity for removing all of the incorporated seed from the manufactured commodity) as required for an imported agricultural shipment.

2. DHS-CBP inspectors shall examine the official sample for soil, Federal noxious weeds, quarantine significant species and plant pests. If quarantine significant species, Federal noxious weeds, plant pests, or soil beyond accepted tolerance is identified in the official seed sample, DHS-CBP will refuse entry to the shipment.

3. DHS-CBP inspectors may perform an examination on a sample of the manufactured commodity to examine the enclosed seed, they may remove the covering (bag, bonding agent, coating, sprouting media, etc.), to compare the official seed sample to the manufactured commodity sample. The official sample must match the manufactured commodity shipment sample (same type and size of seed). Should DHS-CBP inspectors detect obvious differences, they will refuse entry to the shipment.

4. Following inspection and if the official seed sample matches the manufactured product's seed sample, and the sample is free of plant pests, soil, quarantine-significant species and Federal noxious weeds, the shipment shall be eligible for release to the importer of record.

Importers interested in participating in this protocol which is specifically for manufactured articles that incorporate viable propagative seed commodities into manufactured products, should submit a permit application (PPQ form 587) identifying the NPPO of the exporting country who will provide the official seed sample. Forward the import request to: USDA, APHIS, PPQ, Permit Unit, 4700 River Road Unit 133, Riverdale, Maryland 20737.

{1} How to apply for a USDA- APHIS Plant Product Import Permit

<http://www.aphis.usda.gov/ppq/permits/plantproducts/nursery.html>

{2} List of IPPC NAPPO Contacts

<https://www.ippc.int/servlet/CDServlet?status=ND1ucHBvJjY9ZW4mMzM9KiYzNz1rb3M~>

{3} CBP-DHS

http://www.cbp.gov/xp/cgov/import/commercial_enforcement/agric_quar_insp/agri_ins_overview.xml

{4} 7 CFR - Vol 5 - chapter III: 319.37-2 through 7 CFR 319.37-7

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=d4a86515f43e3efc24c88fee2547bbdd&rgn=div6&view=text&node=7:5.1.1.1.6.6&idno=7>

{5} What is a Phytosanitary Certificate? http://www.aphis.usda.gov/lpa/pubs/fsheet_faq_notice/faq_phphto.html

{6} Authorities regarding the Federal Seed Act (USA)

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=d4a86515f43e3efc24c88fee2547bbdd&rgn=div5&view=text&node=7:5.1.1.1.18&idno=7>